

In re WILLIAMS ET AL., Application No. 10/051,728
Amendment B

REMARKS

The Office action dated August 7, 2006, and the references cited have been fully considered. In response, please enter the enclosed amendments, and consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested. No new matter is added herein.

Applicants have taken this opportunity to amend claim 19 to recite that that the computer-readable media tangibly embodies the computer-executable instructions; and to add two more claim sets of different claim formats to use previously paid for claim fees. New claims 34-40 are added herein as apparatus claims based on pending claims 12, 13, 15-18 and 31, respectively, with support provided at least by these previously pending claims and FIG. 2 and its discussion on page 11 of the originally filed application; and new claims 41-42 in a different Beauregard format based on pending claims 19 and 32 respectively with support provided at least by pending claims 19 and 32 and their support in the originally filed application.

In regards to the claim rejections, all claims stand rejected under 35 USC 103(a) as being unpatentable over a combination including Dittia et al., US Patent 6,825,186. The present application and Dittia et al., US Patent 6,825,186 were, at the time of invention of the present application was made, owned by, or subject to an obligation of assignment to the same person/company. Therefore, all rejections are traversed and the Office action fails to present a *prima facie* rejection of any claim as the Dittia et al. reference has been successfully removed.

Moreover, it is well-established law that a *prima facie* rejection must be established before Applicant has any burden of proof of disproving any application of a cited reference against a claim. *In re Warner*, 379 F2d. 1011, 1016, 154 USPA 173, 177 (C.C.P.A. 1967); *Ex parte Skinner*, 2 USPQ2d 1788, 1788-89 (B.P.A.I. 1986). Therefore, Applicants have no further burden of addressing any statements made in the Office action.

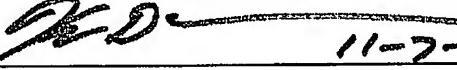
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In view of the above remarks and for at least the reasons presented herein and the Remarks presented in Amendment A filed May 19, 2006, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

Respectfully submitted,
The Law Office of Kirk D. Williams

Date: November 7, 2006

By

 11-7-2006

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